

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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DOC #: 1/28/08  
DATE FILED: 1/28/08

IN RE LOWER MANHATTAN  
DISASTER SITE LITIGATION

THIS DOCUMENT APPLIES TO ALL  
LOWER MANHATTAN DISASTER SITE  
LITIGATION

21 MC 102 (AKH)

STIPULATION OF  
DISCONTINUANCE AND  
COURT ORDER

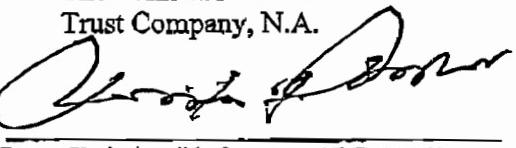
**IT IS HEREBY STIPULATED AND AGREED,** by and between the undersigned, the attorneys of record for the parties to the actions listed in "Schedule A" attached hereto, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled actions be, and the same hereby are discontinued without prejudice as against *THE BANK OF NEW YORK MELLON CORPORATION, As Successor To THE BANK OF NEW YORK COMPANY, INC., THE BANK OF NEW YORK, ONE WALL STREET HOLDINGS LLC, 4101 AUSTIN BLVD CORPORATION and THE BANK OF NEW YORK TRUST COMPANY, N.A.*, and as to the *130 Liberty Street locations only*, without costs to either party as against the other.

**IT IS FURTHER STIPULATED AND AGREED,** that should evidence be discovered throughout the course of the litigation which determines that *THE BANK OF NEW YORK MELLON CORPORATION, As Successor To THE BANK OF NEW YORK COMPANY, INC., THE BANK OF NEW YORK, ONE WALL STREET HOLDINGS LLC, 4101 AUSTIN BLVD CORPORATION and THE BANK OF NEW YORK TRUST COMPANY, N.A.*, is a proper party to these suits, plaintiff may reinstitute these actions without regards to the applicable statute of limitations as a defense.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York  
December 14, 2007

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& MAHONEY, LTD.  
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Mellon Corporation, as Successor to  
The Bank of New York Company, Inc.,  
The Bank of New York,  
One Wall Street Holdings LLC  
4101 Austin Blvd. Corporation,  
The Bank of New York  
Trust Company, N.A.

/s/ 

By: Christian H. Gannon (CG-1621)  
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New York, New York 10022  
(212) 651-1500

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NAPOLI BERN  
Attorneys for Plaintiff

  
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115 Broadway, 12<sup>th</sup> Floor  
New York, New York 10006  
(212) 267-3700

SO ORDERED: 1/28/08

  
HON. ALVIN K. HELLERSTEIN

**SCHEDULE A**  
**STIPULATION AND ORDER OF DISMISSAL**  
**RELATED TO 130 LIBERTY STREET COMPLAINTS**  
**FOR THE FOLLOWING PLAINTIFFS:**

|    | Plaintiff Name            | Index #<br>All (AKH) |
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| 1  | Acosta, Byron             | 07CV1552             |
| 2  | Adriano, Luis             | 07CV4445             |
| 3  | Aguadelo, Gladys          | 07CV4446             |
| 4  | Ali, Enrique              | 07CV01554            |
| 5  | Allivar, Raul             | 05CV9821             |
| 6  | Alvarez, Maria            | 05CV10135            |
| 7  | Alvarracin, Jose          | 07CV01556            |
| 8  | Asencio, Ivan             | 07CV1460             |
| 9  | Atencia, Marcelo          | 07CV01562            |
| 10 | Bailon, Peter B.          | 07CV05336            |
| 11 | Barahona, Jose            | 07CV5550             |
| 12 | Betancourt, Hector        | 07CV4453             |
| 13 | Burgos, Leopoldo          | 07CV1473             |
| 14 | Caguana, Manuel           | 06CV11968            |
| 15 | Calero, Ivan              | 07CV1575             |
| 16 | Calle, Wilson             | 07CV01578            |
| 17 | Campoverde, Rey R.        | 07CV05280            |
| 18 | Campozano, Rodrigo        | 07CV4459             |
| 19 | Cardenas, Edison          | 07CV1580             |
| 20 | Castillo, Silvia          | 05CV1718             |
| 21 | Chuva, Nancy              | 07CV01589            |
| 22 | Cintron, Yolanda          | 06CV5631             |
| 23 | Cortez, Jorge E.          | 07CV05394            |
| 24 | Criollo, Nancy            | 07CV4462             |
| 25 | Dota, Clara               | 07CV01602            |
| 26 | Drake, Jesse              | 07CV05353            |
| 27 | Duarte, Inerva            | 07CV01603            |
| 28 | Dutan, Elvia and Wilfredo | 07CV1606             |
| 29 | Encalada, Jorge           | 07CV1607             |
| 30 | Franco, Luis              | 07CV4466             |

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| 31 | Frelas, Janina     | 07CV01612 |
| 32 | Gallardo, Norberto | 07CV05290 |
| 33 | Garcia, Viviana    | 07CV1617  |
| 34 | Gaspar, Peter      | 05CV10739 |
| 35 | Giamo, Samuel T.   | 06CV11676 |
| 36 | Giraldo, Hitien E. | 07CV5554  |
| 37 | Gualpa, Rosa       | 07CV4472  |
| 38 | Guzman, Armando    | 07CV5556  |
| 39 | Hernando, Avenia   | 07CV4473  |
| 40 | Hurtado, Julio     | 07CV05295 |
| 41 | Idrovo, Edgar      | 07CV1627  |
| 42 | Idrovo, Manuel     | 07CV01628 |
| 43 | Inga, Jorge        | 07CV01629 |
| 44 | Jablonski, Jozef   | 07CV01630 |
| 45 | Jaramillo, Jonas   | 06CV14746 |
| 46 | Karus, Marian      | 07CV01635 |
| 47 | Lascano, Ana       | 05CV9333  |
| 48 | Lasica, Andrezej   | 07CV4480  |
| 49 | Lenis, Carlos      | 06CV10045 |
| 50 | Leon, Cesar        | 07CV063   |
| 51 | Leon, Ines         | 07CV4481  |
| 52 | Loja, Wilmo        | 07CV4482  |
| 53 | Lucero, Fernando   | 07CV05366 |
| 54 | Medina, Rosa       | 07CV4491  |
| 55 | Melendez, Maria    | 07CV05397 |
| 56 | Mendez, Juan       | 07CV01664 |
| 57 | Merchan, Carlos    | 07CV01665 |
| 58 | Mora, Eugenio      | 06CV13168 |
| 59 | Morales, Tatiana   | 07CV05370 |
| 60 | Moreno, Sandra     | 07CV1670  |
| 61 | Naranjo, Luis      | 07CV00082 |
| 62 | Naranjo, Walter    | 07CV04496 |
| 63 | Negrete, Oscar     | 07CV05371 |
| 64 | O'Connell, Sean    | 07CV05374 |
| 65 | Palaguachi, Rosa   | 07CV1680  |
| 66 | Reynolds, David    | 07CV3446  |
| 67 | Rhoden, Marcel     | 07CV05311 |
| 68 | Riera, Maximo      | 07CV1519  |
| 69 | Rodas, Patricio    | 07CV01694 |

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| 70 | Rojas, Jaime                | 07CV4511  |
| 71 | Salazar, Victor             | 07CV4512  |
| 72 | Sanchez, Edilberto          | 07CV05384 |
| 73 | Sanchez, Rosa               | 06CV12488 |
| 74 | Santamaria, Emanuel         | 07CV1528  |
| 75 | Sarmiento, Edwin            | 07CV4515  |
| 76 | Sarmiento, Galo             | 07CV1529  |
| 77 | Serrano, Theresa            | 05CV8937  |
| 78 | Siguencia, Raul             | 07CV1533  |
| 79 | Suarez, Felipe              | 07CV1707  |
| 80 | Samuel Sumba                | 07CV1710  |
| 81 | Teham, Nicholas             | 07CV5564  |
| 82 | Tenezaca, Julia             | 07CV1714  |
| 83 | Teran, Cesareo              | 07CV05389 |
| 84 | Thorpe, Jeanne              | 07CV1715  |
| 85 | Vasquez, Rommel             | 07CV1543  |
| 86 | Vazquez, Kattia             | 07CV1722  |
| 87 | Vega, Severo                | 07CV4521  |
| 88 | Villarroel, Segundo         | 07CV1546  |
| 89 | Villaruel, Kleber (Paredes) | 06CV13703 |
| 90 | Walsh, Kevin                | 06CV12608 |
| 91 | Waniurski, Robert           | 07CV4525  |
| 92 | Watson, Ancil               | 07CV05391 |
| 93 | Wragg, Clarence             | 06CV8125  |